1 The Honorable James L. Robart 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 KARIN H. CHO, Plaintiff, 10 No. CV11-675 JLR 11 ANSWER TO COMPLAINT v. 12 SUTTELL & HAMMER, P.S., 13 Defendant. 14 Defendant Suttell & Hammer, P.S. ("S&H") answers plaintiff's Complaint [Dkt. 15 No. 1] (the "Complaint") as follows: 16 S&H denies the allegations in the unnumbered paragraph entitled "Nature 1. 17 of Action" as well as the allegations in paragraphs 1, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 18 20, 21, 22, 23, 25, 27, 29, 31 of the Complaint. 19 2. S& H denies that plaintiff is entitled to the relief requested at page 6 of the 20 Complaint. 21 3. S&H is without knowledge or information sufficient to admit or deny the 22 allegations in paragraphs 2, 3, 5 and 7, and therefore denies them. 23 4. S&H admits the allegations in paragraphs 8, 9 and 10 of the Complaint.

- 5. Answering the allegations in paragraph 4 of the Complaint, S&H admits that it is licensed to do business in the State of Washington and that paragraph 4 recites its current mailing address. Except as expressly admitted, S&H is without knowledge or information sufficient to admit or deny the remaining allegations in paragraph 4, and therefore denies them.
- 6. Answering the allegations in paragraphs 24, 26, 28 and 30 of the Complaint, S&H incorporates its responses to the paragraphs referenced therein.
- 7. Any allegations not admitted or otherwise addressed above are hereby denied.

DEFENSES

- 8. The Complaint and each of its counts fails to state a claim upon which relief can be granted against S&H.
 - 9. Plaintiff has failed to properly serve S&H with process.
- 10. Plaintiff's claims are barred by the doctrines of collateral estoppel and/or res judicata.
- 11. Plaintiff's claims are barred and/or the Court lacks jurisdiction under the *Rooker-Feldman* doctrine.
- 12. S&H reserves the right to assert additional defenses developed through discovery and a better understanding of plaintiff's claims.

COUNTERCLAIM

13. On information and belief, plaintiff is pursuing a damage action for damages of \$10,000 or less.

1	14.	S&H hereby notifies plaintiff of its intent to seek an award of fees incurred	
2	in defending the action pursuant to RCW 4.84.250 and other law.		
3	WHEREFORE, having answered plaintiff's Complaint and counterclaimed as set		
4	forth above, S&H prays for the following relief:		
5	A.	That plaintiff's claims, and each of them, be dismissed with prejudice;	
6	В.	That to the extent the Court determines that it has jurisdiction, that	
7		Judgment be entered in favor of S&H	
8	C.	That S&H be awarded fees and costs to the full extent permitted by law,	
9		including under RCW 4.84.250 et seq.; and	
10	D.	That the Court award such other relief to S&H as is just and appropriate	
11		under the circumstances.	
12	DATED this 18th day of May, 2011.		
13			
14		Davis Wright Tremaine LLP	
15		Attorneys for Defendant Suttell & Hammer, P.S.	
16			
17		By <u>s/ Brad Fisher</u> Brad Fisher, WSBA #19895	
18		Suite 2200 1201 Third Avenue	
19		Seattle, Washington 98101-3045 Telephone: (206) 757-8042	
20		Fax: (206) 757-7700 E-mail: bradfisher@dwt.com	
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1	CERTIFICATE OF SERVICE		
2	I hereby certify that on May 18, 2011, I electronically filed the foregoing with the		
3	Clerk of the Court using the CM/ECF system.		
4	I hereby certify that I have mailed by United States Postal Service the document to		
5	the following non CM/ECF participant:		
6 7	Karin Cho 852 SUMMERHILL RIDGE DR NW ISSAQUAH, WA 98027		
8	Declared under penalty of perjury under the laws of the state of Washington dated at		
9	Seattle, Washington this 18 th day of May, 2011		
10	Dovie Weight Transites LLD		
11	Davis Wright Tremaine LLP Attorneys for Defendant Suttell & Hammer, P.S.		
12	r.s.		
13	By <u>s/ Brad Fisher</u> Brad Fisher, WSBA #19895		
14	Suite 2200 1201 Third Avenue		
15	Seattle, Washington 98101-3045 Telephone: (206) 757-8042		
16	Fax: (206) 757-7700 E-mail: bradfisher@dwt.com		
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